

### **REMARKS**

This Amendment is made in response to the Official Action mailed October 27, 2009. A request for a three-month extension of time is included with the Amendment. Claims 20-22 and 26-38 have been cancelled without prejudice to their continued prosecution in one or more continuation applications. Claims 12 and 23-35 have been withdrawn from consideration as being directed to non-elected subject matter, and because the requirements for restriction and election have been made final. Claims 1, 18 and 19 have been amended. To the extent that claim 14 and claims 1-11, 13 and 15-19 cover the elected species of Example 45, they are the subject of this Amendment. Reconsideration and withdrawal of the objections to and rejections of this application are respectfully requested in view of the above amendments, and further, in view of the following remarks.

Claims 20-22 have been objected to under 37 C.F.R. 1.75, as being a substantial duplicate of claim 1. In addition, claims 20-22 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 20-22 have been cancelled without prejudice. Therefore, the objection and rejection are moot and should be withdrawn.

Claims 1 and 18-22 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The offending language "solvate, or physiologically functional derivative" has been deleted from claims 1, 18 and 19. Claims 20-22 have been cancelled. Therefore, reconsideration and withdrawal of the rejection under Section 112, first paragraph, are requested.

Claims 1-11 and 13-22 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting, in view of co-pending U.S. Application Nos. 11/931,189 (Attorney Docket No. PU61432) and 11/575,416 (Attorney Docket No. PU61051). While Applicants certainly do not agree that the instant claims are obvious over the claims of either the '189 or the '416 applications, in order to facilitate prosecution herein, Applicants will file a terminal disclaimer if the claims are deemed allowable.

Application No. 10/597,154  
Group Art Unit: 1625

In view of the foregoing, favorable reconsideration of claims 1-11, and 13-19 and allowance of this application are earnestly solicited.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Nora Stein-Fernandez".

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